

## **CHAPTER 54-24.3 REGIONAL LIBRARY COOPERATIVES**

**54-24.3-01. Definitions.** In this chapter, unless the context otherwise requires:

1. "Academic library" means a library that is part of a college or university that is publicly or privately funded and whose primary role is to provide resources to enrich and support the school's curricula and the research needs of students and faculty.
2. "Library resource center" means a central service unit, whose location is to be agreed upon by members of the regional library cooperative and which is responsible for extending special services to support members of the regional library cooperative, while meeting all cooperative standards.
3. "Multitype library authority" means a geographic subdivision within which multitype libraries are organized for the purpose of providing library and information services through cooperation and mutual support.
4. "Participant library" means any library agreeing to join a regional library cooperative.
5. "Public library" means a library that is supported with funds derived from taxation and which maintains a balanced collection of materials to serve the lifelong information, reading, and recreational needs of the general population.
6. "Regional library cooperative" means an organization of one or more types of library organized under Article VI of section 54-24.1-01, or a multitype library authority.
7. "School library media center" means a learning center operated as part of a publicly or privately supported school or school district and whose role is to provide instruction, cooperatively design learning strategies, and provide resources that support and enrich the curriculum, following the North Dakota school library media guidelines.
8. "Special library" means a public or private sector library whose collection is specialized and limited in scope and size and whose role is to provide information to a limited clientele.

**54-24.3-02. Committee - Membership - Compensation.** Repealed by S.L. 1997, ch. 453, § 20.

**54-24.3-03. North Dakota library coordinating council powers and duties.** In the administration of this chapter, the North Dakota library coordinating council may:

1. Adopt rules for the conduct of business.
2. Provide guidance for the development, implementation, and improvement of regional library cooperatives.
3. Enter contracts necessary for establishing and governing regional library cooperatives.
4. Use the staff of the state library in consultation with the state librarian.
5. Adopt a compensation plan for staff as necessary for establishing and governing regional library cooperatives.
6. Set the terms and conditions of statewide service contracts with libraries.

7. Determine necessary or desirable regional or statewide library programs or services.
8. Propose standards for service.
9. Set reimbursement formulas among regional library cooperatives for reciprocal borrowing and other cooperative plans and set statewide policies for reimbursement formulas for reciprocal borrowing.
10. Conduct periodic performance reviews of all categories of coordinating council grant-funded projects and make service revisions.

**54-24.3-04. Regional library cooperatives - Establishment.** The North Dakota library coordinating council may establish regional library cooperatives. In establishing the cooperatives, the council shall consider:

1. Population;
2. Population density;
3. Number and types of libraries;
4. Library information resources, including existing libraries, staff, and collections;
5. Marketing and transportation patterns;
6. Proximity of municipalities;
7. Geographic size of the authority;
8. Finances; and
9. Any other matter not inconsistent with this section.

**54-24.3-05. Regional library cooperative interim planning committee - Establishment.** The North Dakota library coordinating council shall appoint an interim planning committee for a proposed regional library cooperative. The interim planning committee must consist of two lay representatives residing within the cooperative and five librarians. The librarians, as far as practical, must represent public libraries, academic libraries, school library media centers, and special libraries.

**54-24.3-06. Regional library cooperative interim planning committee - Duties.** In the administration of this chapter, the regional library cooperative interim planning committee may:

1. Elect provisional officers;
2. Identify all librarians eligible to be members of the regional library cooperative;
3. Hold informational meetings;
4. Distribute and receive applications for memberships in the regional library cooperative;
5. Draft interim bylaws for the regional library cooperative;
6. Prepare papers of incorporation;
7. Publicize activities;

8. Prepare a three-year plan for the development of services within the cooperative and present it to the North Dakota library coordinating council for review and approval; and
9. Exercise any other duty that is necessary to carry out this chapter.

**54-24.3-07. Regional library cooperative - Membership.** To join the regional library cooperative, a library must obtain official approval from its board and submit an application to the interim planning committee. A library that agrees to provide to any person residing within the cooperative access to its collection on the premises, reciprocal borrowing privileges, and interlibrary loan service, may apply for membership. To be eligible for membership, a library must have defined service objectives, a fixed location, regular hours of service, an organized collection of information and materials accessible for use by its designated clientele, and a qualified and responsible staff. The library must have an identifiable organizational structure and a legal basis for operation. The library must be willing and able to participate in appropriate services and programs as set forth by the regional library cooperative. The regional library cooperative interim planning committee shall review all applications and approve applicants for membership.

**54-24.3-08. Regional library cooperative - Board.** Each participating library shall designate a representative to sit on the board of the regional library cooperative. At its first meeting, the board shall elect a president, vice president, treasurer, and any other officer it determines to be necessary. The director of the designated library resource center shall serve as an ex officio nonvoting member of the board. The board shall meet at least six times a year and has the power to contract, hire staff and set compensation levels, and adopt bylaws for the conduct of its business. The term of office for all officers of the board is one year, commencing on the January first after election.

**54-24.3-09. Regional library cooperative - Powers and duties.** In the administration of this chapter, each regional library cooperative may:

1. Sue and be sued in the name of the cooperative.
2. Designate for the cooperative a central library resource center with responsibility to extend special services to cooperative members while meeting all cooperative standards.
3. Designate an administrative officer for the regional library cooperative.
4. Establish, manage, maintain, and operate library facilities.
5. Employ necessary personnel to carry out this chapter.
6. Purchase supplies and equipment.
7. Acquire and hold property by purchase, devise, lease, gift, or otherwise and sell, exchange, or otherwise dispose of property.
8. Prepare and adopt a budget.
9. Receive and account for funds from cooperative members.
10. Adopt rules.
11. Make an annual report to each member regarding the budget and expenditures, services rendered, program, development plans, audits, and any other information.
12. Enter into contracts necessary to fulfill this chapter.

13. Establish and collect rates and charges for services rendered.
14. Invest excess funds.
15. Establish special funds.
16. Join and participate in civic and professional organizations.

**54-24.3-10. Regional library cooperative members - Rights and responsibilities.** All members of a regional library cooperative are entitled to receive supplementary reference services, delivery service for library materials, interlibrary loan services, and assistance with citation and location of materials, and reciprocal borrowing privileges among the users of member libraries. All members of a regional library cooperative shall share resources with the exception that rare or restricted materials may be exempt, implementing use standards and protocols; avail themselves of continuing education and training opportunities provided by the cooperative; participate in reference, referral, and interlibrary loan services using communication systems for information exchanged among all types of libraries; maintain total expenditures for library operation, excluding capital improvements, at a level not lower than the preceding fiscal year, or maintain the same or higher mill levy or mill rate equivalency as the preceding fiscal year; and participate in cooperative bibliographic projects.

**54-24.3-11. Voting rights of members.** Each academic, institutional, public, school, and special library has one vote on the board of the regional library cooperative. Each operating public school district has one vote on the board of the cooperative and represents all public school media centers located within the district. Private and parochial school media centers located within each public school district are a single entity and shall elect one voting representative from among themselves.

**54-24.3-12. Withdrawal of membership.** To discontinue participation in a regional library cooperative, a library cooperative member shall give, in advance, a one-year written notice to the board of the cooperative and the North Dakota library coordinating council. No member may withdraw unless it has been a participant in the regional library cooperative for at least two years at the time of termination. The withdrawing member shall return all property of the regional library cooperative.

**54-24.3-13. Regional library cooperatives - Operating grants.** Each regional library cooperative, upon formation, may apply to the North Dakota library coordinating council for grant funds available for disbursement by the council.

**54-24.3-14. Fiscal controls and reports.** The board of a regional library cooperative shall develop appropriate accounting and record management policies and procedures documenting the operations of the cooperative. These policies and procedures must provide that:

1. All records for the regional library cooperative and board, including those of the board treasurer, are to be maintained at the cooperative headquarters.
2. Copies of the regional library cooperative board minutes are sent to each member library, the North Dakota library coordinating council, and the state librarian.
3. The fiscal year runs from July first to June thirtieth and financial records and activities are maintained in accordance with accepted accounting practices. A record of all bills, payments, and receipts must be presented to the regional library cooperative board by the treasurer at regular meetings and at any other meeting as required by the board.
4. An annual report of cooperative operations, including an accounting of all revenues and expenses, must be filed with the North Dakota library coordinating council and the state librarian at the close of each fiscal year.

#### **54-24.3-15. Cooperative services and activities.**

1. Each regional library cooperative shall include as part of its five-year plan for development provisions for:
  - a. Reference services to supplement those provided by each local library, including interlibrary reference and referral services to residents of the cooperative.
  - b. Interlibrary loan services on behalf of residents of the cooperative.
  - c. Delivery services for library materials.
  - d. Citation and location services for library materials.
2. Each cooperative may provide for:
  - a. Consultant services and shared staff expertise;
  - b. Cooperative or coordinated acquisition of library materials or subject specialization programs;
  - c. Reciprocal borrowing between member librarians;
  - d. Staff development and inservice training programs;
  - e. Centralized ordering, cataloging, and processing of the library materials;
  - f. Cooperative storage of library materials and lost-copy protection programs;
  - g. Access to computerized literature citation and information data bases;
  - h. Preservation of library materials programs;
  - i. Public relations services; and
  - j. Any other services not inconsistent with this section.

**54-24.3-16. Dissolution of the regional library cooperative.** If the need for a regional library cooperative ceases to exist, the board of the cooperative, by a two-thirds vote of its members, may declare its intent to dissolve the organization and file with the North Dakota library coordinating council a plan for affecting the dissolution. Upon receipt of the dissolution plan, the council shall determine if the area of service can be allocated to other regional library cooperatives, determine whether the assets and liabilities of the regional library cooperative seeking to dissolve can be assumed and absorbed by adjoining regional library cooperatives, and consider any other factors that relate to the operation and functioning of the regional library cooperative seeking to dissolve. If the council determines that the regional library cooperative should be dissolved, the dissolution takes effect when all legal and fiscal obligations of the regional library cooperative have been satisfied.